

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

RONALD H. EWELL,	:	
Plaintiff	:	CIVIL ACTION NO. 3:22-0003
v.	:	(JUDGE MANNION)
DOUG VANSTON,	:	
Defendant	:	

ORDER

Pending before the court is the report of Magistrate Judge Joseph F. Saporito, Jr., which recommends that the plaintiff's complaint be dismissed as legally frivolous pursuant to the provisions of 28 U.S.C. §1915(e)(2)(B)(i). (Doc. 11). No objections have been filed to the report. Upon review, the report and recommendation will be adopted in its entirety.

When no objections are filed to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing

Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

As stated by Judge Saporito in his report, the plaintiff's civil rights complaint is brought against Doug Vanston who served as Ewell's criminal defense attorney from May 20, 2021 through December 16, 2021, when Vanston was removed by the trial judge. Upon review, Judge Saporito determined that the instant action should be dismissed since the plaintiff's claims are clearly based on meritless legal theory. As indicated, no objections have been filed to Judge Saporito's report.

The court has reviewed Judge Saporito's report and agrees with the sound reasoning upon which his recommendation for dismissal is made. Further, the court finds no clear error of record. As such, the court will adopt the report in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

**(1) The report and recommendation of Judge Saporito, (Doc. 11), is
ADOPTED IN ITS ENTIRETY.**

(2) The plaintiff's complaint, (Doc. 1), is **DISMISSED** pursuant to the provisions of 28 U.S.C. §1915(e)(2)(B)(i).

(3) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: March 30, 2022

22-0003-01